

## **TOWN OF UNION BOARD MEETING**

### **Minutes for August 2, 2007**

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The Town of Union Monthly Board Meeting was called to order at 7:02 pm on Thursday, August 2, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck were also present. The Pledge of Allegiance was recited.

Chairman Schneider moved to accept the revised agenda. Second by George Franklin. Revised agenda accepted.

The new Town Clerk, Regina Ylvisaker, was introduced. Attorney Chris Hughes, in for Attorney Matt Dregne, was introduced.

The minutes of the July 5, 2007 Board meeting were reviewed; Don Krajeck moved to approve as written. Second by Franklin. Minutes of July 5, 2007 meeting approved.

The minutes for the July 12, 2007 Special Board meeting were reviewed; Chairman Schneider made note that the purpose of the meeting was to appoint the new Town Clerk. Chairman Schneider moved to approve the minutes as written. Second by Franklin. Minutes of July 12, 2007 meeting approved.

#### **Treasurer's Report**

Sharon Franklin, Treasurer, reported balances as of July 31, 2007 as follows:

Local Government Investment Pool General Fund	\$ 1,045.05
Park and Recreation Fund	\$ 11,751.25
UB&T Money Market Sweep Account	\$198,669.98
Of which \$50,000 is Contingency Fund	
UB&T Checking Account	\$18,000
Leedlemill Bridge Certificate of Deposit	\$16,887.20
Wayne Disch Memorial Park Fund	\$ 1500.92
Morning Ridge Stub Road Certificate of Deposit	\$ 17,455.84
ESCROW Accounts:	
Conifer Hills 3 <sup>rd</sup> Addition	\$4,000.00
The Meadows-Shotliff	\$4,000.00

Treasurer's report approved as read.

#### **Building Inspector's Report**

The report was delayed until the building inspector arrived. (Arrived at 8:05)

Town of Union Building Inspector Bob Fahey reported issuing two (2) building permits last month.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost	Permit Fee \$	Inspector's Fee Due
11-Jul-2007	07-27-B		Al Klein/ Rob Kostroun	6640 N Crull Ct	Remodel basement	\$ 19,000.00	\$ 120.00	\$ 110.00
11-Jul-2007	07-28-B		Ruth Ann Johnson	6909 N Hwy M Lot 45	Deck	\$ 300.00	\$ 120.00	\$ 110.00
			Every Family Trust	Evansville/Brooklyn Rd	Zoning/Land division			\$ 80.00

### Constable's Report

Constable Kim Gruebling reported no calls.

### Brush Report

Nothing was reported.

### Public Comment: 3 Minutes Max/Issue

Chairman Schneider reported that he was in receipt of a report from Evansville Community Partnership, copies of which were distributed to those in attendance.

**Public Hearing:** Proposed extended stay on construction of Large Wind Energy Systems in the Town of Union. The purpose of an extended stay would be to give the Town time to develop permanent regulations relating to the construction of large wind energy systems.

The public hearing was opened at 7:12 pm.

Eric Kosteke, WPPI: Stated that in 2005, WI Act 441 was passed mandating Wisconsin utilities derive 10% of their energy from renewable sources by 2020. WPPI purchases power from large wind farms in Wisconsin and Iowa. WPPI supports local regulation of wind energy, and can assist the town in developing an ordinance in a shorter period of time and with less cost to the town by taking advantage of existing ordinances. Agrees that the town should incorporate public input at the beginning of the ordinance development process, and incorporate the public opinions into ordinance if appropriate. Suggested that the Plan Commission draft ordinance and have additional public hearing, resulting in a final revision within 6 months. Stated that a citizen committee, if organized, must be unbiased and consist of individuals with different viewpoints. Concerned that the proposed ordinance imposing an extended stay will never result in an ordinance, that the town will always be working to perfect the ordinance.

Neil Palmer, EcoEnergy: Stated that EcoEnergy continues to support local regulation of wind energy. Reiterated that there are a number of existing ordinances that can be used by the township that address the issues raised by wind energy. This approach reduces the amount of time committees devote to developing language. Felt that there is value in reviewing existing ordinances and language. EcoEnergy has reviewed smart growth plan for the town, and feels they can assist with issues addressed in the plan such as cell towers. EcoEnergy was at energy fair at EHS in the spring and had a strong turnout, lots of interest. Setbacks proposed are larger than any other currently utilized in the state. EcoEnergy will provide all studies, research, etc. necessary as required by the town. Noted that he feels it doesn't take 12 months to write an ordinance, as was decided at Plan Commission, if the town uses existing ordinances. Ordinances can

always be changed in the future. Feels 6 months is a realistic amount of time to develop an ordinance.

Doug Lee: Was at Plan Commission meeting, feels community wants a lot of input on this issue, as the decisions made will affect the community for a long time. Communities with ordinances offered by WPPI (Verona, Springdale, Cottage Grove) are not the Town of Union and our Town has unique issues and concerns.

Jim Bembinster, Hwy C: Does not feel the town should be rushed, the town needs do research on health & safety issues. Waiting 12 months will make no difference in the long run. Felt that a citizen committee should do the work in developing an ordinance.

Don Krajeck: Agrees with WPPI, there is no reason that other ordinances from other communities shouldn't be utilized. Noted that Magnolia passed moratorium of only 180 days. Feels it is a poor use of township time, money, energy to spend 12 months on an issue when its established in other ordinances that could be used here.

Mike Exum: One of the ordinances provided by WPPI is in litigation at this point in time-Calumet County-regarding a setback issue. Citizens within the county are suing because they don't feel that the setback in the ordinance is fair. People must be included in the process, as everyone in the township is affected by it. This is the reason it would take longer than 1 month or 6 months. The intention is not to drag the issue out forever.

Madelyn, Emery Rd.: Feels that giving ourselves 12 months to develop an ordinance doesn't mean it needs to take that long, but allows everyone to have a say as needed.

Kim Gruebling: Agrees with Don Krajeck, feels that public input is needed but it should get done in 6 months. States that projects never get done before the deadline, so a 12 month deadline would end up being 12 months.

John Diefenthaler: Setback will impact his property quite a bit, and he wants a say in it.

Susan Pestor: Her property is located next to a proposed wind tower location; the ordinance and its outcome will affect her forever.

Lynae McElroy, Croft Rd.: There should be no rush in developing the ordinance.

Renee Exum: Felt that Attorney Dregne laid out a good process outline at the Plan Commission meeting. If people are part of the process, they will buy into the end result.

Ron Nobs: Feels the process should take as long as it needs to take. Is faced with two possible wind tower sites bordering his property, and wants a say in the issue. Wonders if there a more rural place to locate the towers?

Doug Lee: Stressed that the process must be done right, for current and future generations which will be affected by it.

Greg Helgesen: Is totally against the wind towers. Feels 12 months is not an unreasonable amount of time to develop an ordinance.

Dave Keprek, Porter Rd.: Feels 12 months is not too long, as some people are just learning about the issue and want time to research it. His home is in sight of a proposed wind tower site. He wants to be sure property values don't go down, and health & safety issues are addressed.

Jim Bembinster: Town government must protect citizens, must put personal opinions aside.

Kim Grueblin: Wind towers have not been proposed on his property. Stated that some citizens have been researching the issue for a long time. Stresses that the state has mandated that wind energy towers be allowed. How many individuals have visited wind towers? Kim has been to 2. It's not town government requiring wind energy, it is the state government. Encourages people to research the issue and the laws, understand the issue.

Matt Gaboda: Get the issue right, take the time needed. Doesn't think the town can force the companies make changes once towers in place.

Eric Kostecki, WPPI: They need full community support to place wind towers, and stand by their statements.

Shane Ringhand: Money should be spent if needed to keep the towers away from our houses, as they will be there for decades.

Mike Exum: 12 month moratorium is within the law, many townships have them.

EcoEnergy is biased on the issue, as much as the citizens who don't want wind towers there are biased. Thinks a citizen committee can research health and safety issues.

Stressed that the town should not assume that the ordinances provided to us by the energy companies is the best language out there. The formation of a citizens committee promotes citizen buy in.

Eric Kostecki, WPPI: Clarified that the state says 10% of energy produced by 2010 must be renewable, but is not required to be wind energy.

Renee Exum: How long did it take to develop the existing ordinances? More than 6 months.

Public hearing closed at 7:42.

Chairman Schneider asked for clarification, what exactly was the motion from Plan Commission? Mike Exum explained that it is basically what was included in the mailing from Attorney Dregne.

Chairman Schneider received phone calls from Steve Leeder and Mike Disch, who owns property on Croft Rd. Leeder indicated that he felt the town should take as much time as needed in development of an ordinance. Disch wanted an overview of the issue and where it stands.

Attorney Chris Hughes stated that the 30 day moratorium is due to expire August 7 or 8, and the ordinance provided by Attorney Dregne would extend it for 12 months from today. Also would add to ordinance process recommended by Plan Commission. if adopted, temporary stay is in effect for 12 months but could be lifted earlier.

Chairman Schneider asked if the intention was for Plan Commission members to be included on citizens committee? Attorney Hughes outlined that interested parties submit their names to Plan Commission, this list is then given to Town Board, who ultimately appoints committee. Mike Exum stated that the Plan Commission would have the names of the recommended committee members at the September Town Board meeting. No cap on the number of members was discussed at the Plan Commission meeting. Chairman Schneider indicated he would like cap, feels the number of committee members should not be open-ended, as was the case with the Smart Growth Committee.

George Franklin felt that the town should not jump into anything; at this point does not know where the proposed tower locations are. Would like the temporary stay to run 18 months, and if the process is completed early the stay could be lifted. But to extend the stay past 12 months if it isn't enough time is a lengthy process.

Clerk Linda O'Leary stated that 12 months from the expiration of the 30 day moratorium would actually be August 7, 2008; recommends August 13, 2008 as the expiration date to accommodate leap year, board meeting dates, etc..

### **Adoption of Ordinance 2007-02: An Ordinance to Impose an Extended Stay on Construction of Large Wind Energy Systems in the Town of Union**

Chairman Schneider moved to accept Ordinance 2007-02, Extended Stay on Construction of Large Wind Energy Systems in the Town of Union provided by Attorney

Matt Dregne, with an expiration date of August 13, 2008. Second by Supervisor Franklin.

Roll Call Vote:

Kendall Schneider - Y; George Franklin - Y; Don Krajeck - N. Motion to approve carried by a 2-1 vote.

**Board Action: Larson Farms, 15230 W. Butts Corners Rd., Evansville, WI 53536 requests a land division to separate off a 6.3 acre parcel from its existing A1, 36.68 acre parcel (#6-20-78) located in the SE ¼, NW ¼ of Section 10 for the purpose of selling the land so that the 6.3 acres would be added to the adjoining 4 acre (#6-20-78.2) A3 parcel. The joining of this land would increase #6-20-78.2 to 10.3 acres which would be rezoned to A2. the remaining 6-20-78 parcel acreage would likely be added with another adjoining 18.5 acre parcel (#6-20-17) which is under the same ownership as #6-20-78 to create one large A1 parcel. If these two parcels aren't joined, the owner petitions for a rezone of the remaining parcel of 30.28 acres to A2. (Plan Commission recommended approval 7/26/07; contingent upon town receipt of surveys of both properties and evidence of their filing at the county, as well as contingent upon parcel #6-20-78.2 being not less than 10 acres once joined)**

The above action was read in by Chairman Schneider. Public hearing opened at 8:01 p.m. Public hearing closed at 8:03 p.m.

Motion to approve with contingencies as outlined by Plan Commission by Supervisor Franklin. Second by Supervisor Krajeck.

Roll Call Vote:

Kendall Schneider - Y; George Franklin - Y; Don Krajeck - Y. Motion to approve carried by 3-0 vote.

**Board Action: Every Survivors Trust c/o Daria Mary A. Every, P.O. Box 1, Evansville, WI request a land division and zoning change to divide a 4.8 +/- A3 parcel from the current A1 56.2 acre parcel (#6-20-173) located in the NE ¼, SW ¼ of Section 21 approximately 750 feet north of the intersection of Evansville-Brooklyn Road and Cty Hwy C, Fire #8140. The current owner would like to allow their son to build a new home. (Plan Commission recommended approval 7/26/07)**

Public hearing opened at 8:07 p.m.. Public hearing closed at 8:08 p.m..

Chairman Schneider voiced concerns with driveway if a new driveway is installed or the current moved, concern lies with hill and sight lines. Ron Nobs indicated a new driveway should be at top of knoll; will be using existing driveway now. A driveway permit would be requested if a new driveway was installed. Legal counsel did not feel that Chairman Schneider was obligated to recuse himself from vote as he lives next door to land in question. Chairman Schneider decided to recuse himself from the vote.

Motion to approve by Supervisor Krajeck. Seconded by Supervisor Franklin.

Roll call vote:

Don Krajeck - Y; George Franklin - Y; Kendall Schneider - recused. Motion carried by a vote of 2-0.

**Cavalier Village Mobile Home Park**

Chairman Schneider asked Bob Fahey, building inspector, when the last time he was at the park to do site visit. Fahey believed it was in the spring of 2007, either March or April. Attorney Hughes detailed the history of town action regarding the park: March 2003 - town filed a complaint in Rock County Circuit Court citing complaints. November 2003 - stipulation between town & park owners that violations would be corrected during an established timeline. Case was dismissed w/ prejudice, issues were taken care of. July 2004 - order by Rock County Health Department regarding repairing the septic system at the park. November 2004 - zoning violations noted by Fahey. The town was preparing another lawsuit in November 2005, which stopped due to attorney issues.

Chairman Schneider noted that the Town Board had no knowledge of the November 2004 dismissal with prejudice and no board action was taken regarding the dismissal. He explained that the town changed attorneys due to conflict of interest. Schneider detailed issues with the park's water system, specifically that property owners should not be doing service work since it is a commercial property. Board has issues with lot pins, sets in sections 4, 9 & 10. Other issues include vacated cars; sheds built without permits; storage sheds turned into liveable units with AC and electrical, without proper setbacks from trailers; numerous health & safety issues. The park's mobile home license is currently suspended. Trailer lots have been mapped out by hand, and are not accurate. Attorney Hughes recommends building inspector visit again and list violations, and provide this list to legal counsel. Chairman Schneider asked if a new hearing is needed to reopen the prior case against the park? Attorney Hughes will check into it.

**TRIP Fund Update/Loan Update**

Chairman Schneider reported that the loan had been paid off.

**Level 8 Liquor License Update**

Clerk Ylvisaker reported that the Level 8 Bar had contacted her regarding procedures for transferring their liquor licenses to a new owner, but no sale or transfer has been made at this point.

**Ladopoulos Conceptual Plan Review**

A conceptual plan review is not an issue that the Board deals with, nor does the Plan Commission. Mr. Ladopoulos must make formal application to planning commission. Clerk Ylvisaker will draft a letter to this effect and send to board for review and approval.

**County Highway M Connectivity Agreement with City of Evansville**

Was sent to Rock Co Public Works on June 1, 2007. Carried over to next month.

**ESCROW Fees: Shotliff**

Randy Shotliff feels he should not be required to pay fees incurred during the period of time the town's new attorney was reviewing the issue and information from the previous attorney. Additionally, he does not agree that he should be responsible for attorney fees for his attendance at all Plan Commission meetings, should only be paying fees when the meeting affects him.

According to current paperwork, \$3,362 is accurately billed to Shotliff. Clerk O'Leary emailed documents in question to Shotliff on July 5, 2007. Currently \$645 is still owed to town by Shotliff. Chairman Schneider stated that the majority of attorney time was spent reviewing ordinances, as he was new to the township. Asked if Shotliff could determine

a dollar amount which he would feel would be fair? Shotliff would not commit to dollar amount at this time; felt it could be cleaned up in 30 days.

Supervisor Franklin moved that the board looks into issue further and contacts attorney for further information on charges, with the issue added to the September Town Board meeting agenda. Second by; Chairman Schneider. Motion approved by unanimous voice vote.

Time was taken at this point in the meeting to recognize the contributions made to the Town of Union and it's government by Linda O'Leary, Town Clerk. Linda has been the Town Clerk for 11 years, and will be leaving her Clerk position to take a chaplain residency position at Meriter Hospital. Her hard work and dedication are appreciated by all who had the opportunity to work with her. The Board wishes her well in her new position.

### **2007 Roadwork Planning and Old 92**

Chairman Schneider reported that an estimate was received for \$103,000 to complete work from 1<sup>st</sup> Street to 5<sup>th</sup> Street, which included a 4 inch lift and pulverizing. Also reported that the City of Evansville will be redoing Madison St.

Chairman Schneider reported that a landowner on Territorial Rd. put landscaping and large rocks in the ditch. Appears it is in the right of way. Schneider will review location and talk with homeowners if necessary. Plants may be able to stay. The placement of these items could be a liability issue with snowplows, mowing etc.

### **Intergovernmental Government Cooperation Committee**

Supervisor Krajeck stated he was waiting for clarification regarding whether a joint resolution is needed or not.

### **Other Business**

Jerry Krueger reported that the recycling center needs mowing, and can't wait until the scheduled fall mowing. Specifically, mowing is needed on the driveway, as visibility has become an issue. Additionally, Krueger requested that signage be made for the cable at the end of the center driveway to notify customers of closing due to weather, etc. A list would be provided to the board by Krueger. These issues will be added to the September Town Board meeting agenda.

### **Pay Bills**

There being no further business to come before the board, a motion was made by Chairman Schneider, second by Supervisor Franklin, to adjourn the meeting. Bills were approved for payment and the meeting was adjourned.

*Respectfully submitted by:*  
*Clerk Regina Ylvisaker*

Note: Minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.